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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,064	10/06/2000	Gordon Ian Rowlandson	39199-9511-00	2853

7590 11/01/2007
Joseph D Kuborn
Andrus Scealess Starke & Sawall
Suite 1100
100 East Wisconsin Ave
Milwaukee, WI 53202

EXAMINER

LE, LINH GIANG

ART UNIT	PAPER NUMBER
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3626

MAIL DATE	DELIVERY MODE
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11/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary

Application No.

09/684,064

Applicant(s)

ROWLANDSON, GORDON
IAN

Examiner

Michelle Linh-Giang Le

Art Unit

3626

All participants (applicant, applicant's representative, PTO personnel):

(1) Michelle Linh-Giang Le.

(3) Chris Scherer.

(2) Luke Gilligan.

(4) Ian Rowlandson.

Date of Interview: 17 October 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: 1.


Identification of prior art discussed: Selvester (6,230,048).

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant and Examiner discussed proposed amendments to clarify the "establishing a library..", "extracting one or more patterns..", "comparing.." and "correlating..." steps in order to overcome the Selvester reference.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


C. LUKE GILLIGAN
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

ANDRUS, SCEALES, STARKE & SAWALL, LLP

Intellectual Property Law

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FACSIMILE TRANSMISSION	
Date: <u>October 12, 2007</u>	No. of Pages: <u>3</u> (Including this cover page)
To: <u>Examiner Michelle Je</u>	From: <u>Attorney Christopher Schurer</u>
Telecopier No. <u>571-273-8207</u>	
Our Ref.: <u>31CD5660(5024-153)</u>	Your Ref.: <u>APPN 09/108406A</u>
If transmission is incomplete or illegible, please telephone or fax immediately.	
MESSAGE: <u>please find an Applicant Initiated Interview Request form that was filed today</u>	
<small>The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipients named above. This message may be an attorney-client communication, and as such is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message and all copies thereof to us by mail at our expense. Thank you.</small>	

Applicant Initiated Interview Request Form

Application No.: 09/684,064 First Named Applicant: Ian Rowlandson
 Examiner: Michelle Le Art Unit: 3626 Status of Application: Non-Final Rejection

Tentative Participants:

(1) Examiner Michelle Le (2) Examiner Luke Gilligan
 (3) Ian Rowlandson (4) Attorney Christopher M. Scherer

Proposed Date of Interview: Wednesday, October 17, 2007 Proposed Time: 3:00 EST (AM/PM)

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art Selvestar/Selker	Discussed	Agreed	Not Agreed
(1) Rej. §103	1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Continuation Sheet Attached					

Brief Description of Arguments to be Presented:

As a preliminary matter, the Applicant respectfully wishes to thank the Examiner and Supervisory Examiner for their time and attention and willingness to conduct this telephone interview. The Applicant wishes to make this interview as efficient as possible by outlining the claims and references to be discussed, as well as by providing a brief outline of the Applicant's arguments.

An interview was conducted on the above-identified application on _____.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Christopher M. Scherer

Applicant/Applicant's Representative Signature

Christopher M. Scherer

Typed/Printed Name of Applicant or Representative

50,655

Registration Number, if applicable

Examiner/SPE Signature

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO in process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Applicant Initiated Interview Request Form (Continuation Sheet)

Application No.: 09/684,064 First Named Applicant: Ian Rowlandson
 Examiner: Michelle Le Art Unit: 3626 Status of Application: Non-Final Rejection

Issues to be Discussed (Continued)

Issues	Claims/ Fig. #'s	Prior Art	Discussed	Agreed	Not Agreed
(5) _____	_____	_____	[]	[]	[]
(6) _____	_____	_____	[]	[]	[]
(7) _____	_____	_____	[]	[]	[]
(8) _____	_____	_____	[]	[]	[]
(9) _____	_____	_____	[]	[]	[]
(10) _____	_____	_____	[]	[]	[]

Continuation of Brief Description of Arguments to be Presented:

The Applicant first wishes to discuss the Examiner's rejection of claim 1 under 35 U.S.C. § 103(a) in view of U.S. Patent No. 6,230,048 to Selvester in view of U.S. Patent No. 5,277,188 to Selker. The Applicants submit that the Applicant may present arguments to the Examiners that may not be embodied, established or clear to the Examiner in the claims. The Applicants respectfully requests that if the Examiner believes that some of the arguments posed by the Applicants are persuasive, but not embodied in the claims, that the Examiners draw the Applicant's attention to this case. The Applicant wishes to point out that the Selvester patent is focused on generating an interactive display based on a computerized ECG. It first assumes that the computerized ECG has information that needs to be visualized as a pictorial image of the heart. The user can interact with this pictorial to add more information or consider information linked to this image. The physiological data interpretation system of the present application starts with the following premise: don't trust the computerized ECG interpretation. Rather, this system finds an ECG that matches the acquired ECG from a set of ECGs in an expert library. If there is a match, the documentation associated with the match is followed. So we begin with a medical test and try to find its nearest neighbor out of a collection of records, that don't necessarily relate to the patient. When the user looks at these records located by the computer, he agrees as to whether or not there is a match. When the match is confirmed, then associated documentation comes with it. The Applicant reserves the right to provide the Examiner with additional arguments to those described above, particularly any and all arguments having to do with the Selker reference. Once again, the Applicant respectfully wishes to thank the Examiners for their time and attention in advance, and welcomes the Examiners to contact the Applicant's prior to, or after the interview with any questions they may have.